

REMARKS**Drawings**

The drawings have been objected to under 37 CFR 1.83(a) in particular that Figure 3 is somewhat misleading.

It is respectfully submitted that Figure 3 is clear and complete. The 3G core network 216 includes a 3G SGSN 230 that has a 3G input 218 and a 2G input 304. The 3G core network 216 also includes a 3G GMSC 226 that has a 2G input 306, and a 3G input 216 via lu interface. Thus all inputs to the 3G core network 216 are shown, including all lu interface(s).

Status of Claims

Claims 1 to 4 have been rejected under 35 USC 112 second paragraph.

Claims 1 to 4 have been rejected under 35 USC 103(a) for obviousness over Huusko (US 6,397,065) in view of "Research Activities on UMTS Radio Interface, Network Architectures, and Planning (IEEE 1988) by Berruto et al (hereinafter "Berruto")".

Claim 1**Clarity**

Claim 1 has been amended to address the Examiner's 35 USC 112 objections regarding clarity and completeness, specifically by deleting the objected to term "architecture", using the form of words "network comprising" suggested by the Examiner, and ensuring claim 1 has elements (e.g. 2G radio access network, 3G core network), interworking (e.g. 2G radio access network connects to the 2G core network) and interoperability (see e.g. claim 1 last four lines).

Non-Obviousness

It is respectfully submitted that Berruto does not disclose the idea of a 2G radio access network selecting between a 2G core network and a 3G core

network dependent upon whether the terminal is 3G capable (in particular connectable to a 3G radio access network).

In his Response to Arguments numbered (page 2), the Examiner states: "figure 5 (Berruto) clearly suggests enabling a dual mode terminal (GSM MSC ... 2G and GSM GPRS – GPSN – SGSN ... 3G) are in same location area."

and in his 35 USC 103 rejection (numbered page 5) the Examiner states:

"Berruto, in the same field of endeavor, discloses a dual mode operation ((GSM-UMTS core networks in PSTN/ISDN) such that a terminal in the location area can be switched to one of the core networks depending on whether the terminal is of 2G capability or 3G capability therefore providing transition phase between 2G and 3G system deployment using GSM-BSS (see "Assumed Basic Network Architecture For the Radio Interface Definition" page 88, Figures 4 and 5)."

The Applicant does not see this teaching in Figures 4 and 5 of Berruto that the Examiner alleges. In a rejection for obviousness, the pertinence of this disclosure must be clearly explained. The applicant should not be required to guess what the Examiner means. Accordingly, the Examiner is specifically requested to kindly provide fuller detail as to how Figures 4 and 5 teaches the idea of a 2G radio access network selecting between a 2G core network and a 3G core network dependent on whether or not the terminal is of a type which is 3G capable, per claim 1. This will enable the applicant to more properly evaluate his position and decide how best to proceed.

Furthermore, the teaching of Berruto is contrary to that of the present invention, as explained below:

Berruto Fig.5 discloses a GSM BSS (which relates to a 2G Radio Access Network) connected to the 2G core network port only (GSM MSC, GSM GPRS (SGSN) of a combined GSM-UMTS core network.

Berruto teaches separate 2G and 3G radio access networks for access to corresponding core networks; See figure 4 of Berruto where a dual mode

"GSM/UMTS mobile terminal" is shown connected to both a UMTS (3G) radio access network and a GSM BSS (a 2G radio access network).

Berruto alternatively teaches a UMTS (3G) generic radio access network, see its figure 6 and 8. This radio access network connects to various types of core network (GSM, N/B-ISDN, Internet, UMTS) dependent on the type of service to be provided (see page 89 section entitled "The Generic Radio Access Network, especially right hand column lines 23-30). Accordingly, Berruto does not teach or suggest the present invention which relates to how to enable a dual mode terminal to take advantage of 3G functionality when in a location area served by only a 2G radio access network. The idea of a 2G radio access network switching between 2G and 3G core networks dependent on the terminal's capabilities is not taught by Berruto.

It follows that the rejections under 35 USC 103(a) fall away.

Dependent claims 2 to 3

Dependent claims 2 to 3 are patentable not least on the basis that they each depend on an allowable independent base claim 1.

As regards claim 3, column 3 lines 24 to 28 states:

"to another. On the basis of the information contained in the location updating message, the radio access network or the core network supporting said services determines the mobility managements, i.e the core networks or services, and/or location areas to which the location updating applies.

This passage does not appear to teach that the radio access network switches packet transmissions from each terminal to one of the core networks in dependence on the identity of the cell in which the terminal is connected.

Claim 4

Claim 4 has been amended to address the 35 USC 112 rejection. Claim 4 has been amended to clearly recite a plurality of method steps performed by elements to achieve functionalities .


The above argument for non-obviousness made in respect of claim 1 applies in respect of claim 4 also *mutatis mutandis*.

Conclusion

In view of the foregoing, allowance of all the claims presently in the application is respectfully requested, as is passage to issuance of the application. If the Examiner should feel that the application is not yet in a condition for allowance and that a telephone interview would be useful, he is invited to contact Applicants' attorney, **Jimmy Goo**, at 908-582-7886.

Respectfully submitted,

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